

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
(Charlotte Division)

In re:)	
)	
JOSHUA and ANDREA FARMER,)	Case No. 10-40270
)	Chapter 11
Debtors.)	
)	
)	
)	
In re:)	
)	Case No. 10-40269
Raymond an Diane Farmer)	Chapter 11
)	
Debtors)	
)	

NOTICE OF MOTION AND OPPORTUNITY FOR HEARING
(No-Protest Notice; No Hearing Will be Held Unless Request for Hearing is Filed)

TAKE NOTICE that 1230 Overbrook Drive Holdings, LLC, CBA-Mezzanine Capital Finance, LLC, U.S. National Bank Association, The Palmetto Bank, First National Bank of the South U.S. Bank National Association, as Trustee for the Registered Holders of ML-CFC Commercial Mortgage Trust 2007-8, Commercial Mortgage Pass-Through Certificates Series 2007-8 (“A-Noteholder”) and U.S. Bank National Association, as Trustee for the Registered Holders of Merrill Lynch Mortgage Investors, Inc. Commercial Mortgage Pass-Through

Certificates Series 2007-C5 (“B-Noteholder”) (collectively referred to herein as the “Secured Creditors”) have filed papers with the Court to obtain an order prohibiting the use of cash collateral (the “Motion”). A copy of these papers is included with this Notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

TAKE FURTHER NOTICE that any response to the Motion must be filed with the Clerk of the Bankruptcy Court at the Office of the U.S. Bankruptcy Court, P.O. Box 34189, Charlotte, NC 28234-4189 **on or before 4:00 p.m., prevailing Eastern Time, on Wednesday, February 23, 2010** (the “Objection Deadline”), and a copy served on the attorneys identified below and upon other parties as required by law or court order. Any response must clearly identify the specific motion to which the response is directed and comply fully with Local Bankruptcy Rule 9013-1.

TAKE FURTHER NOTICE that if no request is filed in a timely manner, **no hearing will be held** and the Court will consider the matter on the record and enter its ruling.

TAKE FURTHER NOTICE that if a response is timely filed and served, the Court will conduct a hearing to consider the Motion on **Thursday February 24, 2010, at 9:30 A.M.** at the **Charles R. Jonas Federal Building, 401 W. Trade St., Charlotte, North Carolina.** No further notice of this hearing will be given.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting relief.

Date: February 9, 2010

/s/ Alan D. McInnes

Alan D. McInnes, Esq. (NC Bar No. 20938)

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*Counsel for CBA-Mezzanine Capital Finance, LLC
and 1230 Overbrook Drive Holdings, LLC, U.S. Bank
National Association (A and B Noteholder)*

CERTIFICATE OF SERVICE

This is to certify that the undersigned counsel has served the **NOTICE OF JOINT MOTION TO PROHIBIT THE USE OF CASH COLLATERAL, OR IN THE ALTERNATIVE TO MODIFY THE AMENDED FINAL ORDER AUTHORIZING THE USE OF CASH COLLATERAL, PURSUANT TO SECTIONS 105, 361 AND 363 OF THE BANKRUPTCY** on all of the parties to this cause through the Court's CM/ECF system in accordance with Local Rule 5005-1 as follows:

Andrew T. Houston, Esq. Hamilton Moon Stephens Steele & Martin 201 South College Street, Suite 2020 Charlotte, North Carolina 28244	Travis W. Moon, Esq. Hamilton Moon Stephens Steele & Martin 201 South College Street, Suite 2020 Charlotte, North Carolina 28244
William L. Esser IV, Esq. Parker Poe Adams & Bernstein, LLP 401 South Tryon Street, Suite 3000 Charlotte, North Carolina 28202	Bradley E. Pearce, Esq. Katten Muchin Rosenman LLP 550 South Tryon Street, Suite 2900 Charlotte, North Carolina 28202
Louis G. Spencer, Esq. McNair Law Firm, P.A. 301 South Tryon Street, Suite 1615 Charlotte, North Carolina 28202	Joe M. Lozano Jr., Esq. Brice, Vander Linden & Wernick, P.C. 9441 LBJ Freeway, Suite 350 Dallas, Texas 75243
Hillary Brodgers Crabtree, Esq. Moore & Van Allen, PLLC 100 North Tryon Street, Floor 47 Charlotte, North Carolina 28502-4003	U.S. Bankruptcy Administrator 402 West Trade Street, Suite 200 Charlotte, North Carolina 28202

This the 9th day of February, 2011.

/s/ Alan D. McInnes

Alan D. McInnes. (NC Bar No. 20938)

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